HAZ-CHEM NEWS

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November 18-19, 2008
ND Haz Mat Conference – Bismarck, ND

March 1, 2009
Deadline for Tier II Reports for RY2008

July 1, 2009
Deadline for Toxic Release inventory Report for RY2008

For questions or further information about this newsletter, please contact Ray DeBoer at 701.328.8112 or rdeboer@nd.gov.

A big thank you to the Arizona Emergency Response Commission for providing the content for this newsletter.

FEMA Under Fire for Slow Progress on New Alert System

By Chris Strohm, CongressDaily

House lawmakers recently took aim at the Federal Emergency Management Agency's (FEMA) effort to modernize the nation's emergency alert system, saying progress has been too slow and legislative action may be needed to pressure the agency to work faster.

Lawmakers expressed frustration that FEMA has not moved quickly enough to develop the so-called Integrated Public Alert and Warning System, which eventually will allow alerts to be sent via e-mail, cell phones and hand-held devices. The House Homeland Security Emergency Communications Subcommittee held a hearing to examine IPAWS.

In a separate action, two members of the House Transportation and Infrastructure Committee introduced legislation that would establish standards and requirements that FEMA must meet for the new system. "Communities and individuals need to know what steps to take in the event of a natural disaster or act of terrorism," Homeland Security Emergency Communications Subcommittee Chairman Henry Cuellar, D-Texas, said at the hearing. "I worry

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*EPA Releases 2007 **TRI** Data Using the Electronic Facility Data Release (e-FDR)*

Questions? Contact: Ray DeBoer/ rdeboer@nd.gov

To better inform communities about releases of toxic chemicals from industrial facilities in their area, EPA today announced the availability of the Toxics Release Inventory (TRI) facility-level data for 2007. This is the 5th annual Electronic Facility Data Release (e-FDR) and displays the TRI data exactly as received by EPA from the facilities - one form for each chemical at a facility. Many stakeholders have requested that EPA share TRI data sooner and in the format received, without waiting for further analysis. The "raw" data released today are not grouped in any way or are as easily searchable as the traditional Public Data Release (PDR), which also includes more quality checks, national trends and analysis. EPA will still publish the complete 2007 PDR in early 2009.

TRI provides American communities with vital information on chemical releases including disposal of chemicals. In addition, TRI tracks releases of chemicals and industrial sectors specified by the Emergency Planning and Community Right to Know Act of 1986. The Pollution Prevention Act of 1990 also mandates that facilities report data on other waste management activities such as treatment, recycling, and energy recovery. The e-FDR is now available at: http://www.epa.gov/tri-efdr

Regional Response Demands Joint Command and Control

Officials have spent countless hours and dollars in a quest to implement the National Incident Management System (NIMA) and the Incident Command System (ICS), in an attempt to change how we respond to emergencies and disasters. But have we truly found that clear chain of command?

In an article on the Government Technology website, Eric E. Holdeman asks these questions and more to discover whether or not the initiative has worked. He questions: "Are we attempting to impose a system that does not function well within the day-to-day governance models that make up the American system?"

Holdeman says the initial idea was to respond together to protect people and property, but while the mechanisms that allow a coordinated response are the goal, the process isn't an easy one, particularly when many jurisdictions are still fighting over the turf.

"The ideal scenario is that everyone uses the same system and terminology when responding, which allows disparate agencies to come together quickly and avoid miscommunication when confusion ultimately rules - during disasters," Holdeman writes. "This applies to localized emergencies where mutual aid resources come to the assistance of their neighbors, or in situations of a much broader scale like 9/11 and Katrina when the nation's resources are called upon to respond to a catastrophe of mega-proportions."

He adds that the idea is "working on paper," and "working in practice to a degree." However, he says, the "ultimate solution is to implement a 'train as you will fight' mentality. We need joint training, planning and exercises with all potential partners if we're ever going to fix the issue of unified command within single jurisdictions."

To read the full article, click here: http://www.govtech.com/gt/print_article.php?id=365410

OSHA Proposes More Penalties for Violations of PPE and Training Standards

OSHA announced in the Aug. 19 Federal Register that it is accepting public comments on a Notice of Proposed Rulemaking (NPRM) on Personal Protective Equipment (PPE) and training standards. The proposal clarifies that when an OSHA standard requires an employer to provide PPE, such as respirators, or training to employees, the employer must do so for each employee subject to the requirement. Each employee not protected may be considered a separate violation for penalty purposes.

"We want employers to understand the importance of complying with OSHA's PPE rule for each and every one of their employees," said Assistant Secretary of Labor for OSHA Edwin G. Foulke Jr. "Without question, providing PPE for all employees will reduce costs, save money, and, most importantly, save lives."

The proposed rule affects OSHA's general industry, construction, and maritime standards. In many cases, OSHA combines separate violations of a single requirement in a standard into a single penalty. However, under the instance-by-instance penalty policy, OSHA may propose a separate penalty for each specific violation where the employer demonstrates a flagrant disregard for safety and health.

The proposed rule makes clear that failure to provide appropriate PPE or training may result in per-instance penalties in appropriate cases. The proposed rule does not add new compliance obligations, nor are employers required to provide any new type of PPE or training. The amendments merely clarify that a separate penalty may be assessed for each employee not provided the required PPE or training.

The agency will accept public comments on the proposed rule until September 18. Interested parties may submit comments electronically at http://www.regulations.gov; by sending three copies to the OSHA Docket Office, U.S. Department of Labor, Room N-2625, 200 Constitution Avenue, NW, Room N-2625, Washington, D.C. 20210; or by fax at 202-693-1678, if the comments and attachments do not exceed 10 pages. Comments must include the Agency name and Docket Number for this rulemaking (Docket No. OSHA-2008-0031).

Company Accused of Pipeline Safety Violations

A contractor on the 1,679-mile Rockies Express natural gas pipeline is under federal investigation amid allegations by former project inspectors that crews from Georgia-based Latex Construction Co. failed to install required equipment designed to prevent breaches that could trigger explosions.

The owners of the Rockies Express, or REX, had negotiated with Latex of Conyers to work on the upcoming eastern leg of the pipeline, but now do not plan to use the company, said a REX spokesman, who declined to discuss the reason.

The pipeline, which will bring gas from Wyoming to the Midwest and East, is complete from Colorado to Kansas, and will soon be operational to central Missouri. Federal approval is expected soon for the eastern phase through Ohio.

Officials of the Transportation Department's pipeline safety office confirmed allegations that Latex crews in Kansas did not properly install concrete river weights that fit over the 42-inch pipeline at water crossings to keep it from floating. The officials said they made Latex install missing weights in a couple of areas. Officials are investigating claims that Latex did not wrap pipeline in a coating to protect it from rock damage. Source: http://www.ajc.com/business/content/business/stories/2008/05/19/pipeline_0520.html

U.S. EPA fines Bay Area Pharmaceutical Company over $100,000 for Industrial Wastewater Violations

Company to also spend additional $50,000 to help restore Novato Creek

The U.S. Environmental Protection Agency has fined BioMarin Pharmaceutical $119,717 after its Novato, Calif., facility violated the Clean Water Act on numerous occasions by discharging low pH industrial wastewater to the Novato Sanitation District domestic sewer system and the Ignacio Wastewater Treatment Plant, which discharge to the intertidal flats of San Pablo Bay.

As part of the enforcement action, the company will also spend an additional $50,270 to restore Novato Creek and one of its tributaries, Vineyard Creek.

In May 2007, the EPA inspected the BioMarin facility, reviewed the company's 2004-2007 monitoring data, and found that the company had discharged low pH industrial wastewater from the facility, violating both federal and local standards, on 62 days. BioMarin is required by its wastewater discharge permit, issued by Novato Sanitation District, to monitor industrial wastewater effluent from its facility and submit results to the district. Low pH wastewater can cause sewer corrosion and collapses of sewer lines, which often result in sewer overflows and discharges of raw sewage.

"To protect our Bay and the structural integrity of sewer systems, companies are required to properly treat industrial wastewater before discharging it to the city's sewers," said Alexis Strauss, the Water Division director for the EPA's Pacific Southwest region. "This settlement will bring much needed restoration to the Novato creek and wetland ecosystems to improve water quality, restore native vegetation, and improve habitat for endangered and threatened species."

As part of the restoration, BioMarin will remove invasive vegetation and revegetate at least 1,000 feet with native plants along creek banks and wetlands. The company will maintain and monitor the site for three years to ensure an 80 percent survival rate of the plantings.

Novato Creek suffers from poor water quality that is a result of untreated and treated industrial waste discharges into the watershed, among other things. Non-native species currently degrade the ecosystem, crowd out native species, and provide substandard food and shelter for native plants and animals. The restoration project will complement a larger long-term Marin County Public Works Department restoration of the Novato Creek watershed.
The Clean Water Act prohibits companies from introducing pollutants into a public system that will cause corrosive structural damage to the system, and in no case may facilities discharge wastewater with a pH lower than 5.0, unless the treatment system is designed to accommodate the discharges.

BioMarin owns and operates a facility that specializes in producing enzymes to treat diseases and various medical conditions, such as chronic genetic disorders.
For more information, please visit: http://www.epa.gov/region09/water/pretreatment/index.html

Lost Lake Resort Fined $55,076 for Underground Fuel Tank Violations

The U.S. Environmental Protection Agency recently fined Lost Lake Resort near Poston, Ariz. $55,076 for underground storage tank violations that caused groundwater and soil contamination on the Colorado River Indian Tribes reservation.

EPA inspectors, working closely with the Colorado River Indian Tribes Environmental Protection Office, inspected the tanks and discovered faulty piping and a gasoline release into the environment. The tanks are located adjacent to the Colorado River and near two drinking water wells that serve nearby residents.

“This facility was not operating its tanks properly and this caused the release. Our main concern is to protect human health and our environment,” said Nancy Lindsay, acting waste director for the EPA’s Pacific Southwest region. “The Colorado River Indian Tribes and many other communities depend on the Colorado River and its protection is vital.”

Lost Lake Resort failed to report evidence of the leaks to the EPA and the Colorado River Indian Tribes Environmental Protection Office. The facility did not properly use the equipment required to detect and prevent pipes from leaking and contaminating soil and groundwater. In addition, Lost Lake Resort did not monitor their tanks properly or maintain suitable records, causing soil and groundwater contamination at the site. Cleanup may cost hundreds of thousands of dollars.

Lost Lake Resort confirmed the release of a significant amount of gasoline after performing two site assessments required by EPA’s regulations. The facility is now developing a cleanup plan to address the contamination. The EPA is working in partnership with the Colorado River Indian Tribes’ Environmental Protection Office to ensure that soil and groundwater are properly cleaned up at Lost Lake Resort.

The EPA frequently conducts unannounced tank inspections. Regular inspections of gas stations are critical in the agency’s efforts to prevent accidental releases that can threaten human health and our environment. Owners and operators who are cited are required to correct the violations, submit documentation, and pay the settlement amount within 30 days. Failure to comply may subject them to penalties of up to $11,000 per violation per tank per day in addition to added cleanup costs for leaking tanks.

Feature story with video: http://www.epa.gov/region09/waste/ust/lostlake/ For soundbite and video: http://www.epa.gov/region09/press_media/LostLake/

U.S. EPA fines Johnson Laminating and Coating, Inc. $50,000 for Hazardous Waste Violations Plastics Manufacturer Failed to Have Contingency Plan

The U.S. Environmental Protection Agency recently fined Johnson Laminating and Coating, Inc. of Carson, Calif., $50,000 for violating federal hazardous waste regulations. A manufacturer of specialized plastic lamination products, Johnson Laminating and Coating, Inc. violated multiple federal Resource Conservation and Recovery Act requirements, including:

- Failure to close hazardous waste containers
- Failure to maintain a complete contingency plan, and
- Failure to maintain adequate aisle space.

“Johnson Laminating and Coating violated the most basic requirements for handling hazardous waste – it failed to store the wastes properly and maintain a complete contingency plan,” said Jeff Scott, Division Director for the Waste Management Division at Region 9, EPA. "Companies must manage hazardous waste correctly to protect the environment and ensure public safety."

Johnson Laminating and Coating, Inc. has since corrected the violations. The EPA discovered the violations during a December, 2006 inspection.

The EPA’s Resource Conservation and Recovery Act program oversees the safe management and disposal of hazardous waste.

For more information about RCRA, visit: www.epa.gov/epaoswer/hazwaste/ca/index.htm

West Virginia Man Sentenced for Theft That Caused Chemical Leak

A Kanawha County, West Virginia, man will spend more than three years in prison for stealing a chemical from a tank and causing a leak that left him and several others injured.

The man had pleaded guilty in May to stealing and negligently causing a dangerous chemical to be released into the air. He was sentenced Wednesday in U.S. District Court in Charleston.

The U.S. Attorney's Office said the man stole anhydrous ammonia from a 1,000-gallon tank at Penn Virginia Resources in eastern Kanawha County on February 27.

He had planned to use the chemical to make methamphetamine. Clark suffered burns to his hands and injuries to his lungs when the chemical leaked. Several emergency personnel also required medical attention, and nearby residents were told to stay inside.

Source: http://www.dailymail.com/News/200809040152

It's YOUR Environment and now EPA.gov is YOUR Web Site

Questions? Contact: Suzanne Ackerman, (202) 564-4355 or ackerman.suzanne@epa.gov

EPA is opening the doors on a new, more interactive, and task-oriented Web site designed to meet users' needs. We've heard from our audience – the American people – and they are interested in more than just reading about EPA programs on the Web. Citizens want to participate in protecting the environment in which they live and work. People want an active voice in what happens at EPA. They want to find topics of interest to them quickly.

"EPA has heard the voice of the people loud and clear! We're going to do everything possible to make participating in environmental protection a reality," said Molly O'Neill, EPA's Chief Information Officer and assistant administrator for the Office of Environmental Information. "We're using Web 2.0 technologies to give citizens a Web site that is more interactive, uses multimedia tools, and is better organized by what they want to do or know."

The new design includes:

Links to immediate actions people can take to protect the environment at home or in their community:

- How can I make my home more energy-efficient?
- What and where can I recycle?
- How do I learn about environmental conditions in my community?
- What can my community do to help to prevent pollution?

Interactive media like blogs so people can:

- Post comments to our blog "Greenversations"
- Comment on proposed regulations
- Bookmark EPA pages with Digg It.

Web 2.0 Tools to inform people on EPA activities:

- RSS news feeds to provide information to subscribers
- Videos and podcasts
- Widgets to put EPA information on their Web site.

Take YOUR new Web site out for a "test drive": http://www.epa.gov, and please use the blog (http://blog.epa.gov/blog/) to let EPA know how it runs.

Regulators Fine Petroleum Storage Company $10,000

Sept. 29 -- Federal environmental regulators have fined a California petroleum bulk storage company $10,000 for allegedly failing to report its toxic chemical inventory, a violation of the Emergency Planning and Community Right-to-Know Act.

Jim Jonas Inc., of Lower Lake, Calif., failed to submit complete and correct forms to the U.S. EPA and the state on the amount of 1,2,4 trimethylbenzene, toluene, xylene, naphthalene, polycyclic aromatic compounds, n-hexane, benzene, and ethylbenzene for reporting years 2005 and 2006, according to the government.

Each year the EPA compiles information submitted from the previous year regarding toxic chemical releases, and produces a national Toxics Release Inventory database for public availability

Information on the TRI program is available on the EPA Web site at www.epa.gov/tri .

INDUSTRY NEWS

How to Label Stationary Process Containers Under the Hazcom Standard [29 CFR 1910.1200(f)(6)]

Under OSHA's Hazard Communication Standard (29 CFR 1910.1200), there are labeling requirements for hazardous chemicals that employers must meet. Specifically, 29 CFR 1910.1200(f)(6) identifies an alternative way for employers to meet the labeling requirements for hazardous chemicals contained in stationary process containers.

For stationary process containers, you have the option of using signs, placards, process sheets, batch tickets, operating procedures, or other such written materials rather than affixing labels to an individual stationary process container as long as the alternative method identifies the container(s) it applies to and as long as the information required by paragraph (f)(5) of 29 CFR 1910.1200 is conveyed by the alternative means that are being used.

29 CFR 1910.1200(f)(6) also states that the written materials used to meet this alternative labeling method for stationary process containers must be readily accessible to employees in their work area throughout each work shift.

According to 29 CFR 1910.1200(f)(5), the following information must be conveyed through the allowable labeling method:

Identity of the hazardous chemical(s).

Appropriate hazard warnings, or alternatively, words, pictures, symbols, or combination that provide at least general information regarding the hazards of the chemicals, and that, in conjunction with the other information immediately available to employees under the hazard communication program, will provide employees with the specific information regarding the physical and health hazards of the hazardous chemical.

To find out more information about the steps your facility must take in order to comply with OSHA's Hazard Communication Standard, attend Environmental Resource Center's OSHA Hazard Communication Standard Training for Trainers.

Compressed Gases Subject to the Hazard Communication Standard [29 CFR 1910.1200(c)]

Some materials are subject to the full requirements of OSHA's Hazard Communication Standard (29 CFR 1910.1200) due primarily to the way these materials are packaged, or stored, in containers. Compliance with the Hazard Communication standard is triggered when a material is stored as a compressed gas, although it is possible that the base material itself may not meet either of OSHA's definitions as a health hazard.

For example, compressed air, by itself, does not pose any of OSHA's criteria for being a health hazard. However, in virtually all cases, if it is packaged under pressure in a compressed gas cylinder, it could meet OSHA's definition of a "compressed gas" as this term is defined at 29 CFR 1910.1200(c). In turn, if the compressed air meets the definition of a "compressed gas," by virtue of the way it is stored, then it is a "physical hazard" (with "physical hazard" also being a term defined at 29 CFR 1910.1200(c)) and would be subject to the full measure of the standard's requirements.

Under the hazard communication standard, a compressed gas is:

- A gas or mixture of gases having, in a container, an absolute pressure exceeding 40 psi at 70°F (21.1°C)
- A gas or mixture of gases having, in a container, an absolute pressure exceeding 104 psi at 130° F (54.4°C) regardless of the pressure at 70°F (21.1°C)
- A liquid having a vapor pressure exceeding 40 psi at 100°F (37.8°C) as determined by ASTM D-323-72

Physical hazards include chemicals " for which there is scientifically valid evidence that it is a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive), or water-reactive."

To find out what steps your facility must take in order to

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ensure that compressed gases at your site comply with the requirements of OSHA's Hazard Communication Standard, attend Environmental Resource Center's OSHA Hazard Communication Standard Training for Trainers.

How the Terms "Exposed" or "Exposure," are Used in OSHA's Hazard Communication Standard [29 CFR 1910.1200(c)]

Under OSHA's Hazard Communication Standard (29 CFR 1910.1200), employers must consider the "exposure" their employees may face in the workplace regarding chemicals at the facility that are a physical or health hazard. Understanding how this term is defined in the standard is essential for you to determine if certain requirements of the Hazard Communication Standard apply to your facility.

In the definition section of the Hazard Communication Standard, 29 CFR 1910.1200(c), "exposure" or "exposed" means that an employee is subjected, in the course of employment, to a chemical that is a physical or health hazard, including potential (e.g., accidental or possible) exposure. "Subjected" in terms of health hazards is identified as being any route of entry that would enable the chemical to contact an employee, i.e., inhalation, ingestion, skin contact, or absorption. Therefore, employers must consider the potential situations that could result in employee "exposure" to hazardous chemicals (e.g., long-term exposure with a cumulative impact or emergency releases that could potentially occur in each work area).

At 29 CFR 1910.1200(b)(6)(ix), the standard identifies that certain "consumer products" are not covered by the requirements of the Hazard Communication Standard when they are used in the workplace under certain conditions. This exemption uses the term "exposure," so this term must be understood when you determine which consumer products are covered by your Hazard Communication Program and which are exempt.

Paragraph (b)(6)(ix) of 29 CFR 1910.1200 states that, "any consumer product or hazardous substance, as those terms are defined in the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) and the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) respectively, where the employer can show that it is used in the workplace for the purpose intended by the chemical manufacturer or importer of the product, and the use results in a duration and frequency of exposure which is not greater than the range of exposures that could reasonably be experienced by consumers when used for the purpose intended," is not covered by this standard.

The wording in this portion of the standard states "where the employer can show." Therefore, while this is not required to be put in writing, it is wise for an employer to document that the employees using a particular "consumer product" have not exceeded the length of time of "exposure" and frequency of use for a consumer product beyond the typical consumer-type use outside the workplace.

The training requirements under OSHA's Hazard Communication Standard are outlined in paragraph (h) of the Standard and state that training must include, "the measures employees can take to protect themselves from these hazards, including specific procedures the employer has implemented to protect employees from exposure to hazardous chemicals, such as appropriate work practices, emergency procedures, and personal protective equipment to be used." Therefore, you must consider the potential sources of employee "exposure" to hazardous chemicals, and your Hazard Communication Training Program must provide your employees with the site-specific information they need to protect themselves from these hazards.

To find out more about what your facility must do to comply with OSHA's Hazard Communication Standard, attend Environmental Resource Center's OSHA Hazard Communication Standard Training for Trainers.

USING POLY TANKS FOR AGRICULTURAL STORAGE

By Dale Siebert
Richland County Extension Agent, Cropping Systems

A recent poly tank failure involving liquid fertilizer in Richland County reminds us of the necessity to make sure that the tank we are using is safe and designed for the material we are storing. Many farmers have bought liquid fertilizer this fall and are storing it in poly tanks for use next spring.

All poly tanks are not the same, some are designed for water only and others are designed to hold heavier materials. This is determined by the design of the tank in the amount of plastic resin per square inch. Specific gravity measures tank strength so the higher the specific gravity the denser and stronger the tank. Water weighs 8.24 lbs. per gallon and has a specific gravity of 1.0. Liquid fertilizers weigh 10-12 lbs. per gallon and should be stored in poly tanks designed with a specific gravity of 1.5 or greater. Pesticides should also be stored in a high density tank to reduce risks to the environment. Do not guess the tank's specific gravity based on appearance. Contact the tank salesperson or specification sheet to get this information.

Don't assume that a poly tank is still safe for storage after several years of use regardless of the density or specific gravity. Tanks stored outdoors are subject to ultraviolet deterioration. Ultraviolet deterioration (UV) causes the tanks to become brittle, rigid and inflexible as they age. Generally tanks begin to show signs of UV damage between 5-8 years of age. Keeping tanks indoors will help protect against UV damage.

The color of the tank or painting the tank will not prevent UV deterioration as the tank contracts and expands causing the paint to crack and chip.

Tanks can be inspected using a water soluble marker. Rub the marker on the tank and wipe off the excess ink. If you see clear plastic or just a few scratches it is likely the tank is good for another season of use. If you see crazing- a patchwork of interconnecting markings that has a "dry rot" appearance it's likely the tank has lost its strength and should be replaced. If your tank shows signs of crazing, you can further evaluate the tank by hitting the empty tank with a baseball bat. A good tank has the flexibility to bend and will not be harmed, but poly tanks that are brittle will crack or show signs of cracking. Tanks that exhibit signs of crazing or cracking should not be used to store liquid materials and should be replaced to prevent tank failure.

If you are storing liquid materials such as fertilizer or pesticides in a poly tank, a ring dike should also be installed around the tank to prevent loss of material and costly clean-up in the event of a tank failure.

EPA fines Nevada Wholesaler for Allegedly Selling Unregistered Water Cleaning Product Thermwell Products Company Distributed Product to Lowes

Questions? Contact: Dean Higuchi, 808-541-2711, higuchi.dean@epa.gov

The U.S. Environmental Protection Agency recently fined Thermwell Products Co., Inc., $5,200 for allegedly selling an unregistered water cleaning product with labels claiming the product eliminates bacteria and removes common bacteria in air conditioners, humidifiers, dehumidifiers and refrigerators, a violation of federal law.

Disinfectants and products that control bacteria are considered pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act. In 2006, the company distributed and sold Frost King Double Strength Pan-Tablets to Lowes with labels making claims that would require registration as pesticides with the EPA.

"Our message is clear—if you manufacture or distribute a product that claims to disinfect, kill, control or remove bacteria, it must be registered as a pesticide," said Katherine Taylor, associate director of the EPA's Communities and Ecosystems Division of EPA Southwest Regional Office "Registration ensures that labels include use directions and safety precautions designed to limit risks to people and the environment."

The Federal Insecticide, Fungicide, and Rodenticide Act regulates the sale, distribution, and use of pesticides within the United States. Before selling or distributing any pesticide in the United States, companies are required to register the pesticide with the EPA and ensure that the registered pesticide is properly labeled.

Companies must provide additional data before a legal claim can be made that a product protects public health. The label of all EPA registered products must bear the EPA registration number, along with directions for use and safety precautions.

For more information on pesticide registrations, please visit: http://www.epa.gov/pesticides/regulating/registering/index.htm

EPA fines Super Store Industries for Failing to Notify Response Authorities After Hazardous Chemical Release

Agency seeks $20,000 after delay in reporting ammonia leak

The U.S. Environmental Protection Agency recently fined Super Store Industries $20,280 for failing to immediately notify the proper authorities after an ammonia release at its facility located at 199 Red Top Road in Fairfield, California.

On Aug. 25, 2007, approximately 242 pounds of anhydrous ammonia leaked into the environment within a 24-hour period. The company notified the California Office of Emergency Services 11 hours later, the Solano County Health Services Division 33 hours later, and the National Response Center 93 days later.

Federal law requires immediate notification of a reportable release in order for emergency response teams to evaluate the nature and extent of a hazardous substance release, prevent exposure and minimize consequences. The reportable quantity for ammonia is 100 pounds.

"Companies put first responders and others at risk when they don't immediately report toxic chemical releases," said Dan Meer, the EPA's Superfund associate director for the Pacific Southwest region. "This information needs to be provided quickly so that authorities can take the proper precautions in responding to an emergency."

An equipment failure in a refrigeration unit allowed the release of anhydrous ammonia. The company has since made modifications at the facility and changed notification procedures to ensure that any future accidental releases would be easier to curtail and immediately reported.

Exposure to high concentrations of ammonia can cause severe burns on the skin, eyes, throat and lungs. Breathing low levels of ammonia can cause coughing, as well as nose and throat irritation. Ammonia also plays a role in the formation of particulate air pollution, which has been linked to numerous health problems, including chronic bronchitis and lung disease.

For more information on the Emergency Planning and Community Right-To-Know Act, please visit: http://www.epa.gov/oem/content/epcra/index.htm

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that progress has been slow in making this system a reality." Martha Rainville, FEMA's assistant administrator, said the first increment of the system will be rolled out to eight states and Puerto Rico this year. "We cannot do everything at once so later this year we are rolling out the first increment to support digital alerts," she said. "Later on, we will roll out additional increments to support risk-based alerts, non-English language alerts and alerts for special needs communities."

"The EAS has served us well, but the reality is that it is based on technology that is 15 years old," Rainville added. "Through IPAWS, FEMA and our partners are transforming the alert system from an audio-only signal sent on radios and televisions to one that can support audio, video, text and data messages sent to residential telephones, to Web sites, to pagers, to e-mail accounts and to cell phones." The Homeland Security Department was given responsibility to develop the system under a 2006 executive order. Cuellar said it appears that FEMA is having problems meeting the order's requirements and told Rainville to provide the subcommittee within 10 days a list of goals and timetables in the executive order, as well as which ones have not been met and why. He said he also wants Rainville to tell the subcommittee whether FEMA needs legislation or new statutory authority to develop the system.

Full story: http://www.govexec.com/story_page.cfm?articleid=40018&dcn=e_gvet

Chemical Cleanup at Abandoned Factory

The neighbors of an old bumper factory in Mobile, Alabama, fear hazardous chemicals from the abandoned plant have contaminated their property.

The U.S. Environmental Protection Agency began investigating the site in January. Pictures on the EPA website show chemicals like chromic acid, cyanide and sodium hydroxide in open and in some cases leaking, containers.

An on-scene coordinator for the EPA says crews have spent the past five months securing the site, and this week (May 21, 2008) they are transferring old plating solutions and liquids from their original containers into individual totes to be removed. He says they expect to start digging up soil next month. The EPA is still working to determine who is responsible for the mess.

Source: http://www.wkrg.com/news/article/chemical_cleanup_at_abandoned_factory/14078/

Chemical Company Fined for Pesticide Violations

EPA has fined the Sparks, Nevada.-based company Sierra Chemical Co. $29,100 for the alleged misuse of a pesticide and for distributing a pesticide with two different EPA registration numbers – violations of federal pesticide law.

The Sierra Pure Chlor label states 'mix only with water according to label directions.' During a delivery of the product to a community swimming pool in Reno, a Sierra Chemical Co. employee allegedly misused Sierra Pure Chlor by mixing it with muriatic acid. The improper mixture created a strong chlorine gas that caused the evacuation and transportation of swimmers to local hospitals.

"Companies that service swimming pools must ensure that label directions are followed and precautions taken to ensure harm does not occur," said Katherine Taylor, associate director of the Communities and Ecosystems Division in EPA's Pacific Southwest region. "In this case, failure to follow label directions resulted in a hazardous situation."

In addition, Sierra Pure Chlor was distributed on five occasions to various pool supply stores and municipalities with two different registration numbers on the bottles, one which correctly identified the product and one which incorrectly identified the product.

The Nevada Department of Agriculture and the California Department of Pesticide Regulation identified the violations during multiple inspections.

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) regulates the sale, distribution, and use of pesticides within the United States. Before selling or distributing any pesticide in the United States, companies must register the pesticide with the EPA. Each producer, seller, and distributor is required pursuant to federal law to ensure that the registered pesticide is labeled in accordance with agency requirements.

For more information on pesticide regulation and enforcement, please visit: www.epa.gov/pesticides/
View all Region 9 News Releases : http://yosemite.epa.gov/opa/admpress.nsf/Press%20Releases%20From%20Region%209!OpenView

Media Contact: Mary Simms, 415-947-4270, simms.mary@epa.gov

U.S. EPA Seeks Penalties from Fresno Company for Federal Pesticide Violations Western Farm Service Produced Pesticides in Unregistered Facilities

The U.S. Environmental Protection Agency has fined Fresno-based Western Farm Service $9,945 for alleged violations of the Federal Insecticide, Fungicide, and Rodenticide Act. The company produced pesticides in two unregistered establishments located in Coachella, Calif., and Endicott, Wash.

The FIFRA violations occurred in 2006 at sites that were no longer registered with EPA. “All sites where pesticides are produced must be registered with the EPA,” said Katherine Taylor, associate director for agriculture in the Communities and Ecosystems Division of the EPA’s Pacific Southwest region. “Proper registration of facilities helps the EPA track the type, amount, and location of pesticides being produced and sold in the United States.” Western Farm Service sells agricultural products from 83 establishments located in California, Arizona, Washington, Oregon, and Idaho. The company is incorporated in the state of Delaware.

The Federal Insecticide, Fungicide, and Rodenticide Act regulates the sale, distribution, and use of pesticides within the United States. Federal law requires producers to register sites where pesticides are packaged or produced with the EPA.

The EPA has worked with Western Farm Service to ensure that all of their establishments are registered according to FIFRA and that they are submitting the required annual reports.

For further information on the requirements for pesticide-producing establishments, please go to: http://www.epa.gov/compliance/monitoring/programs/fifra/establishments.html .

U.S. EPA Acts to Protect Public from Unelko Corporations’s Unregistered Pesticides

Scottsdale company facing over $50,000 penalty for selling antimicrobial products without registration.

The U.S. Environmental Protection Agency today filed a complaint against Scottsdale, Arizona-based Unelko Corporation for the alleged sale and distribution of seven unregistered pesticides in violation of the Federal Insecticide, Fungicide and Rodenticide Act.

The EPA is seeking penalties of up to $53,950 from Unelko Corporation for offering for sale the following seven unregistered pesticides: Eliminate Stainless Shine 3-in-1 Surface Care, Eliminate 3-in-1 Sani-Shield Antimicrobial Surface Barrier, Eliminate Sani-Shield 3-in-1 Surface Care, 1 Step Clean & Shield Bath Scrub, 1 Step Clean & Shield Bathroom Care, 1 Step Clean & Shield Surface Care, and Eliminate Sani-Scrub 3-in-1 Surface Care.

In addition, Unelko Corporation, located at 14641 N. 74th Street, twice failed to provide the state and EPA with access to documents relating to the shipment of these antimicrobial cleaning products.

"Companies must ensure that products that claim to act as antimicrobials are registered with the EPA," said Katherine Taylor, Associate Director of the EPA’s Communities and Ecosystems Division for the Pacific Southwest region. "Without the required registrations, we have no information on the potential effects of these products, which could result in serious harm to public health and the environment. Moreover, without shipment information, we do not know where these unregistered products ended up."

The nine violations were identified through an Arizona Department of Agriculture inspection conducted on behalf of the EPA in November 2007.

The sale or distribution of a pesticide that has not been registered with the EPA is a violation of federal pesticide law, which requires registration of pesticide products and pesticide-production facilities, as well as proper pesticide labeling. These requirements protect public health and the environment by minimizing the risks associated with the production, handling, and application of pesticides.

For more information on pesticide regulation and enforcement, please visit the EPA’s Web site at: http://www.epa.gov/compliance/civil/fifra/ .

EPA Fines Syngenta Seeds, Inc. for Pesticides Violations in Hawaii

Hawaii violations part of larger action with total of over $284,000 in penalties

HONOLULU - The U.S. Environmental Protection Agency recently announced a settlement with Syngenta Seeds, Inc., for $17,550 in fines for alleged violations of federal pesticide regulations.

The settlement is part of three separate administrative complaints totaling $284,050 in civil penalties with Syngenta Crop Protection, Inc., and Syngenta Seeds, Inc., for violations of the Federal Insecticide, Fungicide and Rodenticide Act. EPA Region 4 in Atlanta consolidated the violations throughout the United States to emphasize the need for quality control in all aspects of pesticide production and distribution.

The EPA found alleged pesticide worker protection violations by Syngenta Seeds, Inc., in Kekaha, Kauai. These violations include failing to store all personal protective equipment separately from clothing and apart from pesticide-contaminated areas, and failing to post the spraying of the pesticide Liberty at its Central Notification Site.

Syngenta Seeds, Inc. also settled alleged violations including use of a pesticide contrary to a provision of an Experimental Use Permit (EUP) issued by EPA. EPA alleged that the company had not obtained a State permit or license from the Commonwealth of Puerto Rico prior to the shipment and/or use of a corn that was the subject of the EUP.

The other settlements include:

- Syngenta Crop Protection, Inc. agreed to pay a penalty of $196,300 for alleged violations involving two products. The settlement agreement resolved alleged violation of distributing Mesotrione Wet Paste with ingredients that differed in composition from the formula submitted to the U. S. Environmental Protection Agency. Mesotrione Wet Paste is produced in Syngenta Crop Protection, Inc's Bucks, AL facility.

- The settlement agreement also resolved alleged advertising violations of the pesticide Lumax Selective Herbicide because television commercials aired in the Midwest did not include the classification that it was a restricted-use pesticide.

- Syngenta Crop Protection, Inc. self-disclosed additional violations under EPA's Audit Policy regarding written advertisements for restricted use pesticides and paid a penalty of $70,200.

FIFRA regulates the sale, distribution, and use of pesticides within the United States. Importers, distributors, and retailers, are required by federal law to ensure that any pesticides they distribute have been registered with EPA and comply with FIFRA.

For more information on pesticide regulation and enforcement, please visit: http://epa.gov/compliance/civil/fifra.

FEMA to Help Fund Emergency Ops Centers

Twenty-two new emergency operations centers are set to open across the country, as the Federal Emergency Management Agency has announced that it will award $14.5 million in grants to fund the centers' construction.

In an article on the Washington Technology website, Alice Lipowicz says the money comes from the fiscal 2008 Emergency Operations Centers Grant Program. FEMA says it will give $1 million each to ops centers in the District of Columbia, Michigan, Mississippi, Missouri, New Mexico, South Carolina, Texas and Virginia, according to an announcement. An additional 14 centers will receive smaller grants.

"The money may be spent on hardware and equipment for information technology, explosive device mitigation, cybersecurity, interoperable communications, power and logistical support," Lipowicz says. "It also may be put toward physical security and prevention and response involving chemical, biological, radiological, nuclear and explosive device materials."

Why the funds? According to Lipowicz, the goal is to set up flexible, sustainable, secure and interoperable centers for states and communities. The program funds are to be used for emergency operations center construction projects over the next three years, up to $1 million for new construction or $250,000 for a renovation.

To read the full article, click here: http://www.washingtontechnology.com/online/1_1/33502-1.html?topic=state

U.S. EPA Enforcement Prompts VA Medical Center to Make Changes

Palo Alto Veterans Affairs Medical Center corrects federal environmental violations

The U.S. Environmental Protection Agency today announced that the Veterans Affairs Palo Alto Health Care System has agreed to pay a $32,544 penalty for violations of federal environmental regulations at its Palo Alto, California, teaching hospital.

The VA medical center violated five requirements of the federal Resource Conservation and Recovery Act, which governs the storage and handling of hazardous materials.

"It's especially important that institutions, especially hospitals, follow hazardous waste regulations in order to prevent human exposures and environmental damage," said Jeff Scott, director of the Waste Division for the EPA's Pacific Southwest region.

The environmental violations were discovered during a routine inspection conducted jointly by the U.S. EPA and Santa Clara's Department of Environmental Health.

The inspection was to determine whether the facility was in compliance with federal and state regulations concerning the proper management of hazardous waste.

The facility was inspected on March 21, 2007 and charged with the following counts:

- Storage of hazardous waste without a permit,
- Open containers,
- Inadequate facility maintenance,
- Ignitable waste within 50' of property line,
- Failure to make a hazardous waste determination.

Shortly after the EPA's inspection, the hospital addressed all of its violations—coming into compliance with RCRA regulations.

To ensure they remain compliant, the VA medical center has instituted a new tracking system for managing pharmaceutical waste.

The Veterans Affairs medical center in Palo Alto, California, is a teaching hospital providing patient care services as well as education and research.

With nearly 3,000 employees, the facility is affiliated with Stanford University's School of Medicine, which provides medical training for physicians.

For more information about the EPA's compliance and enforcement programs, visit: www.epa.gov/ebtpages/complianceenforcement.html.

NIMS, or the 12 Steps of Responders Anonymous

By Frederick J. Cowie, Ph.D.

1) Admitted the incident has gotten out of control and the response has become unmanageable.

2) Came to believe an incident management system could restore me to sanity.

3) Made a conscious decision to turn the incident over to a trained incident commander.

4) Made a searching and honest inventory of personnel, equipment and supplies.

5) Admitted the mistakes heretofore made in the response.

6) Was entirely ready to remedy the mistakes.

7) Humbly asked the incident commander to remove our shortcomings.

8) Made a list of all personnel and made sure they understood the daily response plan.

9) Kept track of all personnel and used them except when to do so would injure them or others.

10) Continued to do incident size up and gauge effects of current response, and when we were wrong, promptly admitted it and revised the daily plan.

11) Sought to improve communications with the incident commander and command staff, gain knowledge of the IC's will, and receive the authority to carry it out.

12) Tried to carry this message to other responders and apply these principles in all of our incidents.

(Thanks to Frederick J. (Fred) Cowie, Ph.D.; E-mail: fredcowie@aol.com (mailto:fredcowie@aol.com) ; Phone: (24 hr cell) 406-431-3531 Website: www.fredcowie.com)

Ethanol Incident Response Training

In their "Ethanol Fixed Facilities: Assessment and Guide," the International Association of Fire Chiefs (IAFC) reported that the use of ethanol and ethanol-blended fuels in the United States continues to increase substantially. "Ethanol production in the U.S. has grown from approximately 9 billion gallons and is projected to grow to 15 billion gallons by the year 2015 as a result of the federal government's Renewable Fuel Standard."

To meet demands, production facilities have been established in more than 24 states with product transportation by rail and highway. According to the American Petroleum Institute, ethanol-blended fuels are becoming a substantial component of the U.S. motor fuel market. "Today, nearly 50 percent of all gasoline consumed in the United States now includes ethanol." (http://www.api.org/Newsroom/api-efforts-ethanol.cfm)

The hazards associated with polar solvents such as ethanol differ from the hydrocarbon fuels (i.e., gasoline and diesel) that are well known to members of the Emergency Services Sector (ESS). Traditional methods of fighting hydrocarbon fires have been found to be ineffective against polar-solvent-type (ethanol-blended) fuels. While gasoline tends to float on top of water, the Emergency Management and Response—Information Sharing and Analysis Center (EMR-ISAC) learned that ethanol fuels are water soluble and tend to blend with water. For this reason, Alcohol-Resistant (AR) foam has been recommended as a means of extinguishing ethanol fires.

While researching this topic, the EMR-ISAC reviewed the newly released training program, "Responding to Ethanol Incidents," developed by the IAFC through a grant from the U.S. Fire Administration (USFA). Available in CD format at no charge, the two-part training program includes the seven-module instructor guide, participant manual, and PowerPoint presentations for each module. The modules cover fuel emergencies, bulk-storage incidents, firefighting foam principles, storage and dispensing, transportation and transfer, fuel types, and chemical and physical characteristics of the fuels. Part Two, "Ethanol Fixed Facilities: Assessment and Guide," is a training aid for responders called to emergencies at ethanol production facilities, but also intends to enhance the preparedness of operators and designers of production facilities.

To acquire the course materials, visit http://www.usfa.dhs.gov/fireservice/subjects/hazmat/ethanol.shtm. At the web site are links to download the materials from the IAFC web site or to order the materials from the USFA. Users who have previously ordered USFA publications should type in their electronic address and password to sign in as returning customers. First-time customers need to complete the brief registration process. Alternatively, orders for single copies can be faxed to (301) 447-1213.

Thanks to: Emergency Management and Response Information Sharing and Analysis Center (EMR-ISAC) emr-isac@dhs.gov.

Entech Removes Last of Largest Waste Tire Pile in PA

After 21 years, Pennsylvania´s largest waste tire pile is finally gone.

Entech Inc., which received a $447,000 contract from the Pennsylvania Department of Environmental Protection, shredded and removed the last of the scrap tires on the Greenwood Township, Pa., property of Max and Martha Starr, Sept. 4. At one time, there were some six million waste tires at the site. The DEP contracted Entech in June to remove the remaining 300,000.

"These tires could have simply been sent to a landfill but we realized they were a resource for which there was a demand," said Robert Yowell, DEP north central regional director.

Many of the tires from the site have been recycled and used in asphalt, rubber mats and other products, he said.
In 1987, the state ordered the Starrs to stop accepting tires and estimate how many were on their property. Not until 2004 did the state and the Starrs reach a legal agreement to clean up the tires. The DEP fined the Starrs $400,000 and ordered them to give up control of the tire piles. Now that they´ve been removed, the Starrs must sell the property and give the proceeds to the DEP.

Over the last four years, five companies and Penn State University received state grants to clean up the site. The DEP also took legal action against 20 waste tire generators who brought tires to the property, requesting they remove their share or pay a civil penalty.

Contact Waste News reporter Joe Truini at (330) 865-6166 or jtruini@crain.com

Mass Transit & Public Transportation Security Awareness

Extracted from an EMR-ISAC Critical Infrastructure Protection Bulletin.
Situational Awareness Information

Public transportation systems across the U.S. have seen a surge in public use as fuel prices have been on the rise over the past year. The following information is provided to the public to brief, sensitize and increase awareness regarding possible indicators and protective measures that can be used to help ensure our safety and security.

Our collective situational awareness will ensure that we're doing everything in our power to ensure that we minimize any threats.

Indicators:

Vigilance remains a key component in preventing a terrorist attack against U.S. mass transit systems.

Possible indicators of terrorist pre-operational activity or attack preparations include the following:

- Asking suspicious questions, photographing, videotaping, or displaying prolonged interest in mass transit operations, equipment, facilities, and security procedures.
- Placing backpacks or suitcases in a different compartment than the one being occupied.
- Leaving bags unattended in public areas to observe security response procedures and times.
- Wearing oversized coats, dressing inappropriately for weather conditions, or carrying backpacks that are excessively bulky, stained, or emitting fumes.
- Attempting to gain employment with a mass transit system without the appropriate background or qualifications.

Suggested Protective Measures:

Listed below are measures that transit system owners and security personnel and the general public can implement to protect against or deter terrorist pre-operational activity or attack preparations:

- Report any person who engages in suspicious activities that might be related to the production, research, or use of explosives.
- Be alert and immediately report any situation that appears to constitute a threat or appears to be suspicious activity.
- Increase visible facility security measures, such as access control and perimeter security.
- Train security personnel and employees to recognize suspicious activities and indicators that might suggest a suicide bomber.
- Post additional security personnel in areas where large groups of people congregate.
- Limit the number of access points and secure all facility access points not staffed by security personnel.
- Screen bags, packages, and parcels entering a facility.
- Conduct employee background checks.

Reporting Notice

DHS and the FBI encourage recipients of this document to report information concerning suspicious or criminal activity to DHS and/or the FBI. The DHS National Operation Center (NOC) can be reached by telephone at 202-282-9685 or by e-mail at NOC.Fusion@dhs.gov.

The FBI regional phone numbers can be found online at www.fbi.gov/contact/fo/fo.htm.

For information affecting the private sector and critical infrastructure, contact the National Infrastructure Coordinating Center (NICC), a sub-element of the NOC. The NICC can be reached by telephone at 202-282-9201 or by e-mail at NICC@dhs.gov.

When available, each report submitted should include the date, time, location, type of activity, number of people and type of equipment used for the activity, the name of the submitting company or organization, and a designated point of contact.

IF YOU ENCOUNTER AN EMERGENCY, LIFE-THREATENING OR WITNESSING A SUSPICIOUS PERSON OR ACTIVITY CALL 911 IMMEDIATELY!

IF YOU HAVE INFORMATION ABOUT A SUSPICIOUS PERSON OR CIRCUMSTANCE THAT MAY BE RELATED TO TERRORISM CALL 1.866.885.8295!

YOUR IDENTITY CAN BE KEPT CONFIDENTIAL.

Homeland Security Grants are Becoming a Local Burden for Some States

McClatchy News Papers – (Washington) Since 9/11, millions of dollars worth of homeland security grants have flowed to Washington state and its local governments for everything from bomb-defusing robots to planning and training to respond to a terrorist attack or a catastrophic earthquake. But now, with state and local jurisdictions already struggling financially and considering sharp cuts in their own budgets, the Department of Homeland Security wants them to start sharing in the cost.

The department has signaled it may require a 25 percent match to the grants. State, county, and city officials say they do not have that type of money. Thurston County's emergency manager said she and others were surprised by how much local governments are being asked to spend. Swamped with responding to Hurricane Ike, officials of the Federal Emergency Management Agency, which is part of the Department of Homeland Security and administers the grants, were unavailable for comment. The department, however, already has alerted those receiving the grants that they should "anticipate and plan" for having to provide matching funds. Source: http://www.mcclatchydc.com/251/story/52603.html

New Survey Shows Serious Flaws in Disaster Preparedness

September 12, Associated Press – (National) Survey finds holes in U.S. disaster preparedness. In a disaster such as an earthquake or terrorist attack, nearly two-thirds of U.S. parents would disregard orders to evacuate and would rush to pick up their kids from school, according to a new survey.

The survey found that 63 percent of parents would ignore orders to evacuate and instead attempt to reunite with their children, possibly hindering rescue efforts by adding to traffic congestion. The authors of the study, released Thursday on the seventh anniversary of the September 11 attacks, said that despite years of government efforts to enhance disaster preparedness, schools need to do more to plan for disasters and parents need to be made aware of the plans.

The report was commissioned by the National Center for Disaster Preparedness at Columbia University's Mailman School of Public Health and the Children's Health Fund.

The federal Department of Homeland Security has allocated billions of dollars to help state and local governments set up disaster contingency plans. But just 44 percent of the U.S. residents surveyed this year said they have all or some of the basic elements of a disaster preparedness plan, including food, water, a flashlight with extra batteries, and a meeting place in case of evacuation.

Source: http://www.usatoday.com/news/nation/2008-09-12-us-isasterpreparation_N.htm

http://www.usatoday.com/news/nation/2008-09-12-us-disasterpreparation_N.htm?loc=interstitialskip

Dentist Charged with Illegally Dumping Medical Waste

The following was extracted from a Waste News article:

The dentist allegedly took his small motor boat and dumped a bag of waste from his dental practice. He is charged with unlawful discharge of a pollutant and unlawful disposal of a regulated medical waste that included syringes, cotton swabs and blue-and-white plastic capsules used to store filling material for dental work.
The waste materials were traced using lot numbers on the needles and other information.

The dentist admitted to dumping the waste. Searches of his house, vehicle, his boat and, ultimately, his practice corroborated his statement.

The crimes carry a maximum sentence of five years in prison and fines up to $50,000 on the medical waste charge and $75,000 on the pollutant charge.

Contact Waste News reporter Joe Truini at (330) 865-6166 or jtruini@crain.com

Railroads Requesting Input on Routing Analysis

A letter like the following has likely gone to all homeland security directors in states where the UP does business. Other railroads will be doing the same thing as they struggle with the process of complying with the new regulatory requirement to consider vulnerable areas along their routes.

Dear Sir/Madam:

I am writing you concerning Federal regulations published April 16, 2008 introducing new requirements on rail transportation route analysis of various hazardous materials. The regulations provide for input at various government levels regarding security risks in proximity to routes utilized. Specifically 49 C.F.R. 172.820(c)(2) states:

(2)*In performing the analysis required by this paragraph, the rail carrier must seek relevant information from state, local, and tribal officials, as appropriate, regarding security risks to high-consequence targets along or in proximity to the route(s) utilized. If a rail carrier is unable to acquire relevant information from state, local, or tribal officials, then it must document that in its analysis. For purposes of this section , a high-consequence target means a property, natural resource, location, area, or other target designated by the Secretary of Homeland Security that is a viable terrorist target of national significance, the attack of which by railroad could result in catastrophic loss of life, significant damage to national security of defense capabilities, or national economic harm.*

Union Pacific believes that your agency is the appropriate agency in your state to be the lead agency for coordinating state, local or tribal responses. As of the date of this letter the Secretary of Homeland Security has not provided a list of "high-consequence targets" referred to in the regulations. When the Secretary does provide such list and if any of those targets are in your state Union Pacific will be seeking relevant information from your office for your route analysis.

As the Union Pacific Director Homeland Security I will be in the point of contact at the railroad for you office. If you have any questions, or if you believe another state agency would be the appropriate lead agency for this matter please contact me.

Sincerely,

Kenneth E. Eultgen, Jr.
keeultge@up.com

PHMSA Rulemaking Proposal to Narrow the List of Commodities Requiring Security Plans

PHMSA, in consultation with the Transportation Safety Administration (TSA) of the Department of Homeland Security (DHS), is proposing to modify its current security plan requirements governing the commercial transportation of hazardous materials by air, rail, vessel, and highway.

Based on an evaluation of the security threats associated with specific types and quantities of hazardous materials, the proposed rule would narrow the list of materials subject to security plan requirements and reduce associated regulatory costs and paperwork burden. The proposed rule also would clarify certain requirements related to security planning, training, and documentation and incorporate and build on recent international standards governing hazardous materials security.

Visit: https://www.azserc.org/AZSERCHome/HotStuff/tabid/77/Default.aspx to read the full article.

Thanks to Timothy Gablehouse tgablehouse@att.net

DHS Adopts NFPA Hazmat Standards

The U.S. Department of Homeland Security has adopted two additional National Fire Protection Agency standards for responding to incidents involving hazardous materials and weapons of mass destruction:

- NFPA 472, Standard for Competence of Responders to Hazardous Materials/ Weapons of Mass Destruction Incidents; and
- NFPA 473, Standard for Competencies for EMS Personnel Responding to Hazardous Materials/ Weapons of Mass Destruction Incidents.

NFPA 472 sets minimum competency levels for personnel responding to such incidents, and NFPA 473 covers the requirements for basic life support and advanced life support personnel in the pre-hospital setting.

Thanks to: Timothy R Gablehouse (303)572-0050, (800)818-0050, tgablehouse@att.net

Panel Gets Static on How to Develop First Responder System

By Otto Kreisher, CongressDaily

A House Homeland Security subcommittee Tuesday heard widespread agreement on the need for a nationwide communications system that will allow local, state and national first-responders to share information swiftly and seamlessly with each other in an emergency. But the panel heard considerable disagreement on how to achieve that.

The biggest gap appeared between the FCC and the Homeland Security Department, which are committed to developing a government-commercial partnership to build the system, and officials from well-resourced local jurisdictions and others who are concerned that the proposed network would interfere with their systems.

House Homeland Security Chairman Bennie Thompson, Emergency Preparedness Subcommittee Chairman Henry Cuellar, D-Texas, and ranking member Charles Dent, R-Pa., appeared skeptical that the national proposal would serve their more rural constituencies.

FCC had tried to auction off part of the 700 megahertz spectrum to a commercial entity to obtain the funds and the expertise to develop the public sector emergency communications network alongside the private system. But the sole bid came in at about half the $1.33 billion minimum the commission set.

Derek Poarch, chief of the FCC Homeland Security Bureau, said the commission was preparing a draft proposal for a second auction, which he believed would be more attractive to the commercial sector. That proposal would lower the threshold bid to $750 million, allow firms to bid for regional coverage and would relax some of the technical requirements of the first offer, Poarch said. It also would extend the license for the spectrum from 10 to 15 years, he said.

The draft proposal is to be reviewed by the FCC Sept. 25. Chris Essid, director of emergency communications at Homeland Security, supported the plan, calling it essential to the interoperability of first responders' communications.

Although Thompson expressed his support for the public-private partnership, he questioned Poarch and Essid on how the proposal would cover rural areas. Essid said the plan would require coverage for every county but acknowledged that coverage might come slower to thinly populated areas.

Cuellar questioned how the proposal would coordinate with existing local and regional emergency communications systems, and was assured the plan was not to replace current systems but to make them compatible with the national system.

Essid said it would be prohibitively expensive and too slow to replace all the existing radios, so the proposal was to create "a system of systems" integrating current and new equipment. Poarch noted that current communications systems were designed mainly to handle voice but the new national technology would allow them to transmit video and data.

LeRoy Carlson, chairman of Cellular Communications, supported the proposal for bids for regional coverage, saying that was something his firm could handle. But Charles Dowd, deputy chief of the New York City Police Department, and Robert LeGrande, the former chief technology officer for Washington, D.C., complained that the current FCC plan could disrupt their already well-established communications systems.
"The national model, in our view, will not work," Dowd said, adding that his view was shared by all the major cities he had talked to. He proposed allowing New York to use the 700 MHz spectrum to build its own broad band emergency communications system.

"What we're asking is, let's not rush into another auction to give away this best opportunity for a solution," Dowd said.

[Hazmat-WMD] "Zero Hour"...New DHS Virtual Reality Disaster/WMD Game

Homeland Security will be rolling out a new simulation game called Zero Hour. The first edition will be single player, and will be available to locals for about $15 a copy.

Some screen shots of the beta version can be seen at:
http://www.firespecialops.com/wp/?p=141

[Hazmat-WMD] New Hazmat / Special Ops Website

Check out this new website, it has alot of information on hazmat response, including articles and videos on recent incidents.

www.FireSpecialOps.com

Hazards Involving Biodiesel Production

In a non-sensitive Situational Awareness Bulletin published last month, the Michigan Intelligence Operations Center (MIOC) discussed the hazards involving biodiesel production. For the protection and safety of all emergency responders nationwide, the Emergency Management and Response—Information Sharing and Analysis Center (EMR-ISAC) has excerpted the following information from the MIOC bulletin.

The recent rise in petroleum prices caused an increased interest in alternative fuels. Biodiesel is used increasingly as a diesel replacement because it can be manufactured from readily available ingredients such as vegetable oil, animal fat, or recycled restaurant cooking oil. The production of biodiesel does not require a great amount of space, and the process is not easily detectable outside of the process area. There have been only a small number of casualties reported nationwide as a result of biodiesel production.

The overall process is legal and relatively safe when properly performed. The end product of biodiesel has hazards similar to regular diesel with byproducts that can pose harm to humans and animals if not correctly stored or disposed. If the processors are not careful, they can poison or burn themselves, and modifications to pressure vessels by inexperienced people can result in possible explosions.

Historically, the most common threat to homemade biodiesel labs is the improper storage and disposal of byproducts. Most home brewers tend to stockpile byproducts because they are uncertain of appropriate disposal methods. These large stockpiles of byproduct can potentially lead to a significant fire hazard. As risks exist, care should be taken by first responders when signs of a biodiesel facility are noted. Though many operations can legally produce biodiesel, they may still cause harm to emergency personnel.

The MIOC bulletin offered the following considerations for first responders:

- Chemicals involved in production are legal for residential storage, but only in limited quantities.
- Methanol burns with an invisible flame.
- Methanol vapor can be released causing poor air quality in a confined space.
- Most models of photoionization detectors will not detect methanol.
- Methoxide is a highly caustic chemical that has been associated with nerve damage caused by corrosive burns.
- Chemicals involved in production are flammable and can pose a significant fire hazard.
- Overheated oils can add to a fire load.
- Use of pressure tanks in production can result in explosions.

The complete MIOC bulletin can be seen at http://www.crhmrt.org/BIODIESELFUEL.pdf.

More information about biodiesel safety is available at http://www.biodieselmagazine.com/article-print.jsp?article_id=1127.

New Process Eliminates a Fertilizer's Blast Threat

September 23, 3008 Gardsen Times (National)

A major chemical company announced Tuesday that it has found a way to render nitrogen fertilizer useless as an explosive. The company, Honeywell, has patented a method for combining ammonium nitrate fertilizer with a second type of fertilizer, ammonium sulfate.

Ammonium nitrate can be soaked in diesel fuel to produce a powerful bomb and is a favorite of terrorists, but when chemically tied to the ammonium sulfate, its chemical structure is changed so that it is no longer explosive.

The U.S. Department of Homeland Security has certified the new fertilizer, which Honeywell calls ammonium sulfate nitrate, under a federal program devised to encourage such innovations by offering the manufacturers immunity from liability, according to Honeywell.

The director of strategic marketing for Honeywell's resins and chemical business said the market is very broad. "Anywhere where ammonium nitrate is used today, this alternate form could be used effectively," he said.

Honeywell is already a large producer of ammonium sulfate fertilizer.

Source: http://www.nytimes.com/2008/09/23/us/23fertilizer.html

The following message is from the U.S. Chemical Safety Board, Washington DC

CSB Finds Static Spark Set Off Fire and Explosions at Barton Solvents Des Moines Facility, Investigation Finds Equipment Not Intended for Flammable Service or Properly Bonded and Grounded

Washington, DC, September 18, 2008 - A fire and series of explosions at the Barton Solvents Des Moines, Iowa, chemical distribution facility on October 29, 2007, was caused by a static electrical spark resulting from inadequate electrical bonding and grounding during the filling of a portable steel tank, the U.S. Chemical Safety Board (CSB) determined in a final report today.

One employee received minor injuries and one firefighter was treated for a heat-related illness in the accident, which occurred about 1 p.m. A large plume of smoke and rocketing barrels and debris triggered an evacuation of the businesses surrounding the facility. As the CSB Case Study notes, the main warehouse structure was destroyed and Barton's business was significantly interrupted. The accident occurred about three months after a July 17, 2007, explosion and fire destroyed a Barton Solvents facility in Wichita, Kansas. The CSB attributed that accident to static sparks and lack of bonding and grounding as well in a June 2008 final report.

CSB Chairman and CEO John Bresland said, 'These accidents show the need for companies to address the hazards associated with static electricity and flammable liquid transfer. They should apply good practice guidelines - outlined in our Case Study - to determine if facilities are properly designed and safety operated.

The accident in Des Moines occurred in the packaging area of the facility as an operator was filling the 300-gallon steel tank, known as a tote, with ethyl acetate, a flammable solvent. The operator had secured the fill nozzle with a steel weight and had just walked across the room when he heard a 'popping' sound and turned to see the tote engulfed in flames. Employees tried unsuccessfully to extinguish the fire with a handheld fire extinguisher before evacuating.

CSB Lead Investigator Randy McClure said, 'The CSB investigation found the nozzle and hose were not intended for use in transferring flammable liquids. Furthermore, we found the steel parts of the plastic fill nozzle and hose assembly were not bonded and grounded. Static electricity likely accumulated on these parts and sparked to the stainless steel tote body, igniting the vapor that accumulated around the opening of the tote during filling.'

The report notes that static electricity is generated as liquid flows through pipes, valves, and filters during transfer operations. Metal parts and equipment must be electrically wired to each other, known as bonding, and then electrically connected to the earth, known as grounding.

'In this case, all the conductive metal objects in the nozzle and hose, and the steel weight which was suspended from the handle by a wire, were all isolated from ground and were susceptible to static accumulation and discharge,' Mr. McClure said. 'This is a set-up for disaster.'

The packaging area - where the fire started - had no automatic sprinkler system and was adjoined to the flammable storage warehouse. The investigation found the wall separating the two areas was not fire-rated. As a result, the warehouse was rapidly consumed, and although this area had an automatic sprinkler system, it was incapable of extinguishing the large blaze.

The Case Study lists several key lessons for safe handling and storage of flammables. 'We would hope every operator of similar liquid transfer facilities downloads and studies this report and the earlier Barton Solvents Wichita report to avoid a repetition of these accidents,' Chairman Bresland said.

Facilities are urged to ensure that equipment used to transfer liquids is properly bonded and grounded; fire suppression systems should be installed in packaging areas; and packaging to be used for flammable liquids - such as the portable steel tanks - should be separated from bulk storage areas by fire-rated walls and doors.

The CSB investigation determined that if Barton had implemented a comprehensive static electricity and flammable liquid safety program, in compliance with current regulatory standards and good practice guidelines, the fire likely would have been prevented. These include OSHA's Flammable and Combustible Liquids standard and codes and recommended practices of the National Fire Protection Association.

The CSB is an independent federal agency charged with investigating industrial chemical accidents. The agency's board members are appointed by the president and confirmed by the Senate. CSB investigations look into all aspects of chemical accidents, including physical causes such as equipment failure as well as inadequacies in regulations, industry standards, and safety management systems.

The Board does not issue citations or fines but does make safety recommendations to plants, industry organizations, labor groups, and regulatory agencies such as OSHA and EPA. Visit our website, www.csb.gov.

3M Company corrects gaps in chemical inventory reporting under EPCRA

October 16, U.S. Environmental Protection Agency – (California) 3M Company corrects gaps in chemical inventory reporting at 12 facilities nationwide / Company audits 90 facilities nationwide, avoids penalties. The 3M Company audited 90 facilities nationwide and found chemical inventory information gaps in chemical inventory forms from 2003 through 2005 at twelve facilities nationwide, including three southern California locations in Irvine, Northridge and Monrovia. Upon discovering the violations, 3M completed and submitted all required documents, correcting the violations. The company failed to include sulfuric acid and/or lead in forklift batteries in their annual inventories. Under the agency's audit policy, the U.S. Environmental Protection Agency may reduce penalties for violations that are voluntarily discovered, promptly disclosed to the agency and quickly corrected. The Emergency Planning and Community Right-to-Know Act requires annual reports to the state and local emergency planning agencies from facilities that use, store or manufacture certain toxic chemicals over a specified amount.

Source: http://www.tradingmarkets.com/.site/news/Stock%20News/1947435/

Program Staff

RAY DeBOER
Program Coordinator
Hazardous Chemicals Preparedness and Response Program
Office: 701-328-8112
Fax: 701-328-8181

ROXANN HOPFAUF
Account Technician
Hazardous Chemicals Preparedness and Response Program.
Office: 701-328-8263
Fax: 701-328-8181

BRANDON HOECHST
Assistant Program Coordinator
Hazardous Chemicals Preparedness & Response Program.
Office: 701-328-8134
Fax: 701-328-8181

UPCOMING EVENTS

November 3-6, 2008

HAZMAT EXPLO 2008
National Association of Sarah Title Three Program Officials (NASTTPO)

Mid year conference
Las Vegas, NV.
Register at:

www.Hazmatexplo.org or call 702-455-5710.

Let's Hear From You!

Send us your inputs and feedback on the newsletter; including, exercises and other LEPC related activities in which you've been involved. Let us know what you'd like to see in future editions. Talk to us!

We appreciate your input and look forward to hearing from you!

Ray DeBoer
Hazardous Chemicals Preparedness
& Response Program Coordinator,
SERC Secretary, Operations & Planning Specialist,
ND Department of Emergency Services -
Division-of Homeland Security
Office: 701-328-8112
Fax: 701-328-8181
E-Mail: rdeboer@nd.gov

Help us reduce "snail" mail. Send us your email address and tell us to switch you to electronic notification.

OUR VISION

A respected team investing in and contributing to a safe and secure homeland through coordinated emergency services.

OUR MISSION

The ND Department of Emergency Services (NDDES) conducts planning, coordination, communications, and operations for the safety and security of all citizens in North Dakota.

OUR VALUES

Integrity - Our words match our actions, we will strive to do what is right.
Respect - We will treat others as we want to be treated.
Honesty - We will truthfully communicate our thoughts and feelings.
Excellence - We will perform professional to the best of our ability.

ND Department of Emergency Services

Ensuring a safe and secure homeland for all North Dakotans